

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:20-cv-03145-GWG

Dow Jones & Company, Inc. et al v. Department of Health & Human Services

Assigned to: Magistrate Judge Gabriel W. Gorenstein

Lead case: 1:20-cv-03063-GWG

Member case: (View Member Case)

Related Case: 1:20-cv-03063-GWG

Cause: 05:552 Freedom of Information Act

Date Filed: 04/20/2020

Jury Demand: None

Nature of Suit: 895 Freedom of Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

Dow Jones & Company, Inc.

represented by **Seth D. Berlin**

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ATTORNEY TO BE NOTICED

Plaintiff

Christopher Weaver

represented by **Seth D. Berlin**

(See above for address)

ATTORNEY TO BE NOTICED

V.

Defendant

Department of Health & Human Services

represented by **Jennifer C. Simon**

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/20/2020	<u>1</u>	COMPLAINT against Department of Health & Human Services. (Filing Fee \$ 400.00, Receipt Number ANYSDC-19508166) Document filed by Dow Jones & Company, Inc., Christopher Weaver..(Berlin, Seth) (Entered: 04/20/2020)
04/20/2020	<u>2</u>	CIVIL COVER SHEET filed..(Berlin, Seth) (Entered: 04/20/2020)
04/20/2020	<u>3</u>	STATEMENT OF RELATEDNESS re: that this action be filed as related to 20-cv-3063. Document filed by Dow Jones & Company, Inc., Christopher Weaver..(Berlin, Seth) (Entered: 04/20/2020)
04/20/2020	<u>4</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent News Corporation, Other Affiliate News Preferred Holdings, Inc., Other Affiliate Ruby Newco, LLC for Dow Jones & Company, Inc.. Document filed by Dow Jones & Company, Inc...(Berlin, Seth) (Entered: 04/20/2020)
04/21/2020		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Unassigned. .(pne) (Entered: 04/21/2020)

04/21/2020		Case Designated ECF. (pne) (Entered: 04/21/2020)
04/21/2020		CASE REFERRED TO Judge Vernon S. Broderick as possibly related to 20CV3063. (pne) (Entered: 04/21/2020)
04/21/2020	<u>5</u>	FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST PDF ERROR – REQUEST FOR ISSUANCE OF SUMMONS as to United States Dept. of Health & Human Servs., re: <u>1</u> Complaint. Document filed by Dow Jones & Company, Inc., Christopher Weaver..(Berlin, Seth) Modified on 4/22/2020 (pc). (Entered: 04/21/2020)
04/21/2020	<u>6</u>	FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST PDF ERROR – REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Dept. of Justice, re: <u>1</u> Complaint. Document filed by Dow Jones & Company, Inc., Christopher Weaver..(Berlin, Seth) Modified on 4/22/2020 (pc). (Entered: 04/21/2020)
04/21/2020	<u>7</u>	FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST PDF ERROR – REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Attorney's Office, S.D.N.Y., re: <u>1</u> Complaint. Document filed by Dow Jones & Company, Inc., Christopher Weaver..(Berlin, Seth) Modified on 4/22/2020 (pc). (Entered: 04/21/2020)
04/22/2020		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Seth D. Berlin to RE-FILE Document No. <u>5</u> Request for Issuance of Summons, <u>7</u> Request for Issuance of Summons, <u>6</u> Request for Issuance of Summons. The filing is deficient for the following reason(s): Party name must exactly match what is listed on the complaint caption title. Only parties listed on the complaint caption title can be issued a summons. Include c/o after the party's name if you wish to serve at multiple addresses;. Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (pc) (Entered: 04/22/2020)
04/22/2020	<u>8</u>	FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST PDF ERROR – REQUEST FOR ISSUANCE OF SUMMONS as to Department of Health & Human Services, re: <u>1</u> Complaint. Document filed by Dow Jones & Company, Inc., Christopher Weaver..(Berlin, Seth) Modified on 4/23/2020 (jgo). (Entered: 04/22/2020)
04/22/2020	<u>9</u>	FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST PDF ERROR – REQUEST FOR ISSUANCE OF SUMMONS as to Department of Health & Human Services, c/o U.S. Department of Justice, re: <u>1</u> Complaint. Document filed by Dow Jones & Company, Inc., Christopher Weaver..(Berlin, Seth) Modified on 4/23/2020 (jgo). (Entered: 04/22/2020)
04/22/2020	<u>10</u>	FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST PDF ERROR – REQUEST FOR ISSUANCE OF SUMMONS as to Department of Health & Human Services, c/o U.S. Attorney's Office, S.D.N.Y., re: <u>1</u> Complaint. Document filed by Dow Jones & Company, Inc., Christopher Weaver..(Berlin, Seth) Modified on 4/23/2020 (jgo). (Entered: 04/22/2020)
04/23/2020		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Seth D. Berlin to RE-FILE Document No. <u>8</u> Request for Issuance of Summons, <u>9</u> Request for Issuance of Summons, <u>10</u> Request for Issuance of Summons,. The filing is deficient for the following reason(s): party name on the PDF case caption and the PDF 'To' section must match exactly as it appears on the pleading caption (Department of Health & Human Services). Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (jgo) (Entered: 04/23/2020)
04/23/2020	<u>11</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Department of Health & Human Services, re: <u>1</u> Complaint. Document filed by Dow Jones & Company, Inc., Christopher Weaver..(Berlin, Seth) (Entered: 04/23/2020)
04/23/2020	<u>12</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Department of Health & Human Services, re: <u>1</u> Complaint. Document filed by Dow Jones & Company, Inc.,

		Christopher Weaver..(Berlin, Seth) (Entered: 04/23/2020)
04/23/2020	<u>13</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Department of Health & Human Services, re: <u>1</u> Complaint. Document filed by Dow Jones & Company, Inc., Christopher Weaver..(Berlin, Seth) (Entered: 04/23/2020)
04/24/2020	<u>14</u>	ELECTRONIC SUMMONS ISSUED as to Department of Health & Human Services..(jgo) (Entered: 04/24/2020)
04/24/2020	<u>15</u>	ELECTRONIC SUMMONS ISSUED as to Department of Health & Human Services..(jgo) (Entered: 04/24/2020)
04/24/2020	<u>16</u>	ELECTRONIC SUMMONS ISSUED as to Department of Health & Human Services..(jgo) (Entered: 04/24/2020)
05/19/2020	<u>17</u>	AFFIDAVIT OF SERVICE (FOIA CASE). All Defendants. Service was made by Mail. Document filed by Dow Jones & Company, Inc., Christopher Weaver..(Berlin, Seth) (Entered: 05/19/2020)
05/19/2020	<u>18</u>	AFFIDAVIT OF SERVICE (FOIA CASE). All Defendants. Service was made by Mail. Document filed by Dow Jones & Company, Inc., Christopher Weaver..(Berlin, Seth) (Entered: 05/19/2020)
05/19/2020	<u>19</u>	AFFIDAVIT OF SERVICE (FOIA CASE). All Defendants. Service was made by Mail. Document filed by Dow Jones & Company, Inc., Christopher Weaver..(Berlin, Seth) (Entered: 05/19/2020)
05/19/2020	<u>20</u>	LETTER MOTION to Consolidate Cases 1:20-cv-3145 and 1:20-cv-3063 addressed to Judge Vernon S. Broderick from Seth D. Berlin dated 05/19/2020. Document filed by Dow Jones & Company, Inc., Christopher Weaver..(Berlin, Seth) (Entered: 05/19/2020)
05/22/2020		Magistrate Judge Gabriel W. Gorenstein is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (ad) (Entered: 05/22/2020)
05/22/2020		CASE ACCEPTED AS RELATED. Create association to 1:20-cv-03063-VSB. Notice of Assignment to follow. (ad) (Entered: 05/22/2020)
05/22/2020		NOTICE OF CASE REASSIGNMENT to Judge Vernon S. Broderick. Judge Unassigned is no longer assigned to the case. (ad) (Entered: 05/22/2020)
06/11/2020	<u>21</u>	ANSWER to <u>1</u> Complaint. Document filed by Department of Health & Human Services..(Simon, Jennifer) (Entered: 06/11/2020)
06/29/2020	<u>22</u>	ORDER: In accordance with the provisions of 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, a United States Magistrate Judge is available to conduct all proceedings in this case, including but not limited to any decisions on motions, any jury or nonjury trial, and/or the entry of a final judgment. An appeal from a judgment entered by a Magistrate Judge, if any, is taken directly to the United States Court of Appeals in the same manner as an appeal from any other judgment of this district court. It is the practice of the United States Magistrate Judges of this Court, including the undersigned, that cases that go to trial are given a firm trial date (rather than being placed on a "ready trial" list requiring the parties to be ready to try the case on short notice). Exercise of jurisdiction by a Magistrate Judge is permitted only if all parties voluntarily consent. To determine whether the parties wish to voluntarily consent, defense counsel is directed to send to counsel for plaintiff on or before July 1, 2020, a copy of the attached consent form bearing either (1) a signature indicating consent to the Magistrate Judge conducting all proceedings in this matter or (2) a notation that the defendant does not consent. On or before July 6, 2020, plaintiff's counsel is directed to file a letter on ECF either stating that both sides have not consented or attaching the signed consent form. If any party has not consented, counsel for the plaintiff shall not inform the clerk which of the parties have not consented but shall merely state that there has not been consent by all parties. This Order is not intended to interfere with the parties' right to have a trial and/or any other dispositive proceedings before a

		United States District Judge. The parties are free to withhold their consent without adverse substantive consequences, although this will prevent the Court's jurisdiction from being exercised by a United States Magistrate Judge. If any party withholds consent, the identity of the parties consenting or withholding consent shall not be communicated to any Magistrate Judge or District Judge to whom the case has been assigned. SO ORDERED. (Signed by Magistrate Judge Gabriel W. Gorenstein on 6/26/2020) (ama) (Entered: 06/29/2020)
06/29/2020	<u>23</u>	LETTER addressed to Magistrate Judge Gabriel W. Gorenstein from Seth D. Berlin dated 06/29/2020 re: Order of June 29, 2020. Document filed by Dow Jones & Company, Inc., Christopher Weaver. (Attachments: # <u>1</u> Exhibit Consent to Proceed Before Magistrate).(Berlin, Seth) (Entered: 06/29/2020)
06/29/2020	<u>24</u>	NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE: by Department of Health & Human Services, Dow Jones & Company, Inc., Christopher Weaver. (Case No Longer Referred to Magistrate Judge) CASE ASSIGNED to Magistrate Judge Gabriel W. Gorenstein. IT IS ORDERED. (Signed by Judge Vernon S. Broderick on 6/29/2020) (ama) (Entered: 06/29/2020)
06/30/2020		CONSOLIDATED MEMBER CASE: Create association to 1:20-cv-03063-GWG.. (jwh) (Entered: 06/30/2020)
06/30/2020	<u>25</u>	ORDER: At the parties' request, the above actions are consolidated for all purposes pursuant to Rule 42(a)(2) of the Federal Rules of Civil Procedure. Any future filings shall be made only in Docket 20 Civ. 3063 and shall be deemed to be filed in both cases. The parties are directed to confer and, by July 17, 2020, either file a plan pursuant to Fed. R. Civ. P. 26(f) or file a letter containing a proposal (or separate proposals) for the disposition of these two cases. If the parties seek a conference with the Court, they may so state in their filing. (Signed by Magistrate Judge Gabriel W. Gorenstein on 6/30/2020) Filed In Associated Cases: 1:20-cv-03063-GWG, 1:20-cv-03145-GWG (jwh) (Entered: 06/30/2020)